

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF KENNETH S.)	APPEAL NO. 06-A-2072
HAMMER from the decision of the Board of Equalization)	FINAL DECISION
of Blaine County for tax year 2006.)	AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 19, 2006, in Hailey, Idaho, before Board Member David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant Kenneth Hammer appeared for himself. Assessor Valdi Pace and Appraiser Nina Orvik appeared for Respondent Blaine County. This appeal is taken from a decision of the Blaine County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP001600000050A.

The issue on appeal is the market value of residential property.

The decision of the Blaine County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$1,024,650, and the improvements' valuation is \$503,830, totaling \$1,528,480. Appellant requests the land value be reduced to \$850,000, and the improvements' value be reduced to \$389,000, totaling \$1,239,000.

The subject property is a 2,770 square foot single-family residence built in 1986 on 1.643 acres located on the East Fork River.

Appellant suggested the increase in assessed value is not warranted based on subject purchase three years ago. Since that time the assessed value has increased \$500,000. Appellant presented one sale of a 2,748 square foot residence located on the same street as subject which sold in November, 2003 for \$1,050,000. It was stated that this value is more in line with subject.

Appellant suggested Coeur 'd Alene and Blaine County residents pay the majority of taxes in Idaho and that this is disproportionate and unfair.

Respondent submitted bare land sales in the East Fork Canyon area and also on other water lots outside the East Fork Canyon area to support the assessed value of subject land:

Date Sold	Acres	Price
Sales in the East Fork Canyon area		
November 2005	2.53	\$1,230,000
October 2005	3.86	\$1,150,000
August 2005	2.35	\$ 515,000 (Not water influenced and a large portion of lot is unusable)
Sales of water front lots outside of East Fork Canyon		
April 2004	1.39	\$ 925,000
September 2003	8.86	\$1,395,000
August 2003	2.87	\$ 900,000

Respondent also submitted eight comparable improved sales:

Sale No. 1 - 1,496 sq. ft., 1.00 acre, sold for \$1,950,000 in November, 2005.
 Sale No. 2 - 3,598 sq. ft., 2.36 acres, sold for \$1,760,000 in December, 2004.
 Sale No. 3 - 4,417 sq. ft., 1.56 acres + 1.54 acres, sold for \$2,300,000 in April, 2005.
 Sale No. 4 - 3,098 sq. ft., 2.10 acres, sold for \$1,695,000 in March, 2005.
 Sale No. 5 - 3,840 sq. ft., 2.395 acres, sold for \$1,300,000 in May, 2005.
 Sale No. 6 - 2,983 sq. ft., .69 acre, sold for \$840,000 in November, 2004.
 Sale No. 7 - 2,084 sq. ft., .942 acre, sold for \$715,000 in June, 2005.
 Sale No. 8 - 3,134 sq. ft., 1.141 acres, sold for \$995,000 in February, 2005.

Photographs of the sale properties were submitted along with a plat map to demonstrate the location of the sales. Respondent mentioned 13% depreciation was applied to the residence for age of subject, and 15% depreciation was applied on the garage. It was also stated that subject is the lowest valued of lots 1 through 12 of East Fork Subdivision #3, as it is the smallest lot.

The County maintained subject's 2006 assessed value was derived from consideration of sales, and that the subdivision properties are equitably assessed.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code Section 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant offered dated information on one nearby sale. No other appraisal or other factual information pertaining to the market value of the subject property on January 1, 2006 was offered for the Board to consider.

Respondent submitted both bare land sales and improved property sales to support the assessed value increase. The Board finds that the assessed value of subject does not exceed its indicated market value, and the assessed value has not been demonstrated to be in error.

Idaho Code §63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party

seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

The Appellant did not prove by a preponderance of evidence that the relief claimed was warranted. Therefore, this Board will affirm the decision of the Blaine County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Blaine County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 6th day of April , 2007.